

REMARKS

Claims 1-12 are pending in the application.

Claims 6, 9 and 12 are found to contain allowable subject matter.

Claims 1 and 4 have been amended herein to clarify the claimed invention.

Applicant has submitted herewith an English language translation of the priority document and a statement as to the accuracy of the translation. Applicant claims foreign priority to September 3, 2002.

Claim Rejections

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Antecedent basis problems in claims 1 and 4 were pointed out in the Office Action. Applicant has amended to claims herein to clarify the claims obviating this rejection

Claim 1-3, 8, 10-11 are rejected under 35 U.S.C. 103(a) as unpatentable over Sheha et al. (US 2005/75119) in view of Eldering et al. (US 2002/111154). Claims 4 and 7 are likewise rejected as in claim 1 and further in view of Belcea (US 6,728,545) and claim 5 is also rejected as unpatentable as in claim 1 and further in view of Welch (US 5,230,061).

The Sheha et al. publication has a filing date of April 10, 2003, however, the Examiner may rely upon the filing date of the provisional application under 35 U.S.C. § 119(e), which is a date of April 10, 2002. However, under MPEP 2136.03 in order for an Examiner to rely on the filing date of a provisional application, the provisional application must properly support the subject matter relied upon to make the rejection in compliance with 35 U.S.C. § 112, first paragraph.

Applicant's foreign priority date of September 3, 2003 predates the filing date of the Sheha et al. publication filing date of April 10, 2003.

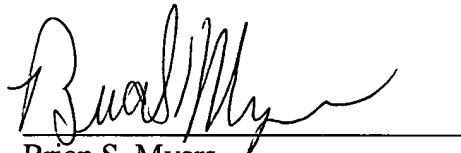
Applicant contends the provisional application does not properly support the subject matter relied upon to make the rejection in compliance with 35 U.S.C. § 112, first paragraph.

If the Examiner believes the provisional application supports this rejection, the Examiner is respectfully requested to provide a copy of the provisional application and point out where the provisional application shows applicant's claimed features.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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